



Paul R. LePage
Governor

STATE OF MAINE
Department of Public Safety



John E. Morris
Commissioner

GENERAL ORDER

Subject: Domestic Violence in the Work Place		Number: DPS 25
Effective Date: 9/1/2011		Rescinds: Policy of 9/1/2010
Reference: 26 M.R.S.A. § 850; Title 26 - §1193, #4, Title 19-A - §4006, 22 M.R.S.A. § 4011-A; 22 M.R.S.A. § 3477, State of Maine Equal Employment Opportunity/Affirmative Action Policy, State of Maine Harassment Policy, State of Maine E-Mail Usage and Management Policy, 23 FY 11/12 An Order Regarding Domestic Violence Awareness and Workplace Policies Within Departments of State Government and 18 U.S.C 922(g)(9)		
Distribution: All		Review Date: Annually

I. PURPOSE

The purpose of this policy is to raise awareness and provide guidance, education and resources to employees, supervisors and managers to address the occurrence of domestic violence and sexual assault and their effects in the work place. As employees of the Department of Public Safety, committed to protecting the lives, rights and property of Maine citizens, this policy aims to hold us to a high standard of behavior.

II. DEFINITIONS

- A. Abuser:** An individual who engages in or commits domestic violence.
- B. Department:** Department of Public Safety.
- C. Domestic Violence:** A pattern of coercive behavior that is used by a person against family or household members to gain power or control over the other party in a relationship. This behavior may include any of the following: physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control, destruction of personal property and animal cruelty. Domestic violence occurs between people of all racial, economic, educational and religious backgrounds. It occurs in heterosexual and same-sex relationships, between married and unmarried partners, between current and former partners and between other family and household members.
- D. In The Work Place:** When a Department of Public Safety employee, whether full time, part-time or as a contract employee, whether the employee is the victim or the abuser, is on duty, is in state-owned or leased work space or is using the facilities or services of the State, or is wearing a uniform or official insignia identifying the office or position of the employee or is in or using a vehicle owned or leased by the State or its agencies, the employee is considered "in the work place."
- E. Sexual assault:** An act of sexual violence whereby a party forces, coerces, or manipulates another to participate in unwanted sexual activity. This behavior may include stranger rape, date and acquaintance rape, marital or partner rape, incest, child sexual abuse, sexual contact, sexual harassment, ritual abuse, exposure and voyeurism.

F. Stalking: Intentionally or knowingly engaging in a course of conduct directed at a specific person that would in fact cause both a reasonable person and that other specific person:

- (1) To suffer intimidation or serious inconvenience, annoyance or alarm;
- (2) To fear bodily injury or to fear bodily injury to a member of that person's immediate family; or
- (3) To fear death or to fear the death of a member of that person's immediate family.

G. Work Place Safety Plan: A strategy developed in consultation with a victim to implement work place safety options, including, but not limited to: setting up procedures for alerting security or police; temporary relocation of the victim to a secure area; voluntary temporary transfer or permanent relocation to a new work site; reassignment of parking space; escort for entry to and exit from the work site; responding to telephone, fax, e-mail or mail harassment; and, keeping a photograph of the abuser or a copy of an existing court order in a confidential on-site location and providing copies to designated personnel.

H. Victim: An individual subjected to domestic violence, sexual assault or stalking.

III. STATEMENT OF CONFIDENTIALITY

The Department recognizes and respects a victim's need for autonomy and confidentiality. To the extent permitted by law, and unless the substance of the employee's disclosure demands otherwise, the Department will maintain the confidentiality of a victim's disclosure. Disclosure should be addressed to the employee's immediate supervisor or appropriate human resources staff, who, in turn, must alert the Bureau Director. If an employee's disclosure indicates that there exists reasonable cause to suspect abuse, neglect or exploitation of children or incapacitated or dependent adults reporting may be mandatory.¹ Further disclosure may be necessary if the abuser presents a threat to the safety of any person in the work place, or the victim has expressed homicidal or suicidal intentions. Whenever possible, the victim will be given notice of necessary disclosures.

IV. PROCEDURE – INCREASED EMPLOYEE AWARENESS

A. The Department will increase employee awareness of domestic and sexual violence and inform employees of available community resources. The methods used may include, but are not limited to, the following:

1. Posting information on the impact of domestic and sexual violence and available community resources at Department work sites. This information may include

¹ Certain persons are "mandated reporters" of abuse or neglect of children, and abuse, neglect or exploitation of incapacitated or dependent adults. Mandated reporters include law enforcement officials. See 22 M.R.S.A. § 4011-A; 22 M.R.S.A. § 3477. In addition, any person may make an optional report if that person has reasonable cause to suspect that a child or incapacitated adult has been or is likely to be abused. Victims should be aware that situations involving suspected abuse, neglect or exploitation of children or incapacitated or dependent adults may be reported to outside agencies, as provided by law.

available sources of assistance such as availability of the state's Employee Assistance Program, domestic violence projects, sexual assault support centers and human resources personnel who are trained and available to serve as confidential sources of information, support or referral.

2. Including information on this policy and domestic and sexual violence awareness and services as part of the new Department employee orientation and in the new employee orientation packet.
3. Conducting domestic and sexual violence awareness activities in staff meetings, other programs and health and wellness programs.
4. Providing copies of this policy to employees and the general public upon request and/or during initial hiring process.
5. Requiring employees to review and complete the Domestic Violence in the Workplace Online Training on an annual basis.

PROCEDURE – EMPLOYEES AFFECTED BY DOMESTIC AND SEXUAL ABUSE

- A. The Department seeks to offer support and referrals for assistance to those employees who disclose concerns or request assistance.
- B. Each employee is encouraged to discuss any concerns about being safe at work with a supervisor, manager, appropriate human resources personnel or Bureau Director. An employee who experiences or witnesses domestic violence or threats of domestic violence in the work place, regardless of whether the employee is a victim or not, should report the incident to a supervisor, manager, appropriate human resources personnel or the Bureau Director immediately. In all circumstances, to ensure the safety and protection of all DPS employees, any employee who has information that there is a threat of violence to any person in the work place should, as soon as practicable, report the threat to a supervisor, manager, appropriate human resources personnel or Bureau Director.
- C. The Department is committed to the effective enforcement of protection orders. In this regard, an employee is encouraged to provide a copy of a protection order issued pursuant to a petition filed by the employee to the employee's supervisor or manager, particularly when the work place is listed on the order so that every attempt can be made to take steps to enforce the order and protect that employee and others. The employee is encouraged to keep a current copy of the protection order immediately available in the work place.
- D. Nothing in this policy should ever deter a sworn law enforcement officer of reporting any criminal conduct, in accordance with Maine law and Department policy.

PROCEDURE – RESPONSE AND ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE

- A. If a victim discloses domestic abuse to a co-worker, that co-worker should avoid victim blaming and send the following messages: you are not alone, you are not to blame, there is help available, and I am concerned about your safety. The co-worker may wish to refer the victim to:
1. Available resources including the domestic violence and sexual assault agencies, and the Employee Assistance Program.
 2. Other individuals within the Department who may be able to provide assistance to the victim such as human resources personnel and the victim's supervisor or Bureau Director.
 3. Sections of this policy that support safety planning and assistance to victims.
- B. Supervisors are responsible for communicating that domestic violence is behavior that will not be tolerated in the work place and that the Department will actively provide information and support to employees who are victims of such abuse.
1. Supervisors shall ensure that each employee is provided with a copy of the Domestic Violence in the Workplace Policy.
- C. A supervisor, manager or appropriate human resources personnel who becomes aware that an employee is a victim of domestic violence shall:
1. Offer the victim information about appropriate organizations for support, which include the domestic violence projects listed in Appendix A and that assistance is also available through the Employee Assistance Program.
 2. Offer leave to be used for the purposes of accessing domestic violence services, counseling, obtaining medical treatment, attending legal proceedings or carrying out other necessary activities to remedy a crisis caused by domestic violence, sexual assault or stalking, in accordance with 26 M.R.S.A. §850, *Employment Leave for Victims of Violence*.

Leave benefits may include, as applicable:
 - A. Sick or vacation leave;
 - B. Family and Medical Leave Act;
 - C. Unpaid leave; or
 - D. Catastrophic Leave Bank.
 3. Offer to assist the victim in developing a work place safety plan. If the victim and abuser are both employed by the Department, the work place safety plan should make accommodations to protect the victim from any threat posed by the abuser. The needs of the victim are of primary importance, and isolating the abuser from the victim is preferred if relocation for safety purposes is an issue.
- D. Department employees with supervisory responsibilities and any other designated individuals who will respond to victim and abuser will receive training on domestic

violence in the workplace.

- E. **Performance Issues:** This policy recognizes that victims of domestic violence may have performance problems such as inability to concentrate, absenteeism, and productivity issues. When an employee confides to a supervisor or manager that job performance issues are caused by domestic violence, referrals and assistance should be offered in accordance with this policy. When a victim has performance or conduct problems as a result of domestic violence, sexual assault or stalking, the Department will offer support and an opportunity to correct the problems. Supervisors may develop a work plan with the employee to assist and support the employee in meeting performance expectations. Nothing in this policy alters the authority of the Department to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave or take other action as it deems appropriate.

VII. PROCEDURE – RESPONSE AND ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

- A. If a victim discloses sexual violence to a co-worker, that co-worker should avoid victim blaming and send the following messages: you are not alone, you are not to blame, and there is help available. The co-worker may wish to refer the victim to:
 - 1. Available resources including the local sexual assault support center, and the Employee Assistance Program. Information and support services can be accessed 24 hours a day by calling **1-800-871-7741** or **TTY 1-888-458-5599**. Other individuals within the Department who may be able provide assistance to the victim such as human resources personnel and the victim's supervisor or Bureau Director.
- B. Supervisors are responsible for communicating that sexual violence is behavior that will not be tolerated in the work place and that the Department will actively provide information and support to employees who are victims of such abuse.
 - 1. Supervisors shall ensure that each employee is provided with a copy of the Domestic Violence in the Workplace Policy, which includes information relevant to sexual assault.
- C. A supervisor, manager or appropriate human resources personnel who becomes aware that an employee is a victim of sexual assault shall:
 - 1. Offer the victim information about appropriate organizations for support, which include the sexual assault support centers listed in Appendix B and that assistance is also available through the Employee Assistance Program. Information and support services can be accessed 24 hours a day by calling 1-800-451-1834.
 - 2. Offer leave to be used for the purposes of accessing services, counseling, obtaining medical treatment, attending legal proceedings or carrying out other necessary activities to remedy a crisis caused by domestic violence, sexual assault or stalking, in accordance with 26 M.R.S.A. §850, *Employment Leave*

for Victims of Violence.

Leave benefits may include, as applicable:

- A. Sick or vacation leave;
 - B. Family and Medical Leave Act;
 - C. Unpaid leave; or
 - D. Catastrophic Leave Bank.
- D. Department employees with supervisory responsibilities and any other designated individuals who will respond to victim and abuser will receive training on domestic violence in the workplace including how to respond to victims of sexual assault.
- E. Performance Issues: This policy recognizes that victims of sexual assault may have performance problems such as inability to concentrate, absenteeism, and productivity issues. When an employee confides to a supervisor or manager that job performance issues are caused by sexual assault, referrals and assistance should be offered in accordance with this policy. When a victim has performance or conduct problems as a result of domestic violence, sexual assault or stalking, the Department will offer support and an opportunity to correct the problems. Supervisors may develop a work plan with the employee to assist and support the employee in meeting performance expectations. Nothing in this policy alters the authority of the Department to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave or take other action as it deems appropriate.

VIII. PROCEDURE – REQUIREMENTS OF AND RESPONSE TO AN EMPLOYEE WHO IS AN ABUSER

- A. An employee of the Department must disclose and provide a copy to the employee's Bureau Director, or in the case of the Maine State Police the employee's troop or unit commander, of any order for protection from abuse or harassment, or any criminal charge or any condition of bail or probation applicable to the employee that includes, but is not limited to:
- 1. Conditions prohibiting or limiting contact with other employees of the Department or with other individuals or locations of employment.
 - 2. Conditions that may interfere with the employee's ability to perform job duties. These conditions include but are not limited to the use of possession of firearms. **Note:** Any protection order entered against a law enforcement officer or employee of the Bureau of Consolidated Emergency Communications is considered to interfere with that employee's ability to perform assigned duties of the position and existence of the order must be reported immediately.
 - 3. Failure to disclose the above information will result in administrative action, which may result in corrective and disciplinary action, up to, and including termination.
- B. The Department encourages employees who are perpetrators to voluntarily seek assistance from any of the resources listed in Appendix C or the State's confidential

- C. An employee who is in law enforcement and carries a firearm as a condition of employment, and who is a named defendant in a temporary or permanent protection order, or who is otherwise prohibited by court order, bail conditions, criminal conviction, or probation conditions from carrying a firearm, will be subject to administrative action which may include disciplinary action, up to and including termination. Absent a court order, only the Commissioner or designee will have the authority to require the surrendering of an employee's firearm.
- D. An employee who is found using any state resources such as work time, workplace telephones, cell phones or any other electronic communication medium, facsimile machines, mail, computers, electronic mail, a state vehicle, state credit card, state equipment or other means to commit an act of domestic violence, sexual assault, harassment or stalking will be subject to corrective and disciplinary action, up to and including termination. In some cases, where there is a connection between off-duty conduct of this nature and one's employment with the State, that off-duty conduct may lead to discipline, up to and including termination.
- E. A supervisor or manager who becomes aware of a protection order or other information regarding an employee who is an abuser shall keep that information confidential to the extent permitted by law and may only discuss the information with those persons who need to be informed.

IX. DOCUMENTATION

The Department's Human Resources Office will maintain copies of orders for protection from abuse and other documents that demonstrate workplace domestic and sexual violence in a confidential file. The Human Resources Office will develop necessary protocols related to maintaining records of domestic violence disclosures.

X. CONCLUSION

This Department is committed to providing a supportive and caring work place environment free of domestic and sexual violence. The Department will respond to and provide assistance to a victim. Victims will be treated with compassion and will not be judged.

WARNING

This policy is for Department use only and does not apply in any criminal or civil proceeding. The Department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for Department administrative sanctions.

Adopted by: _____


Commissioner John E. Morris

09/15/2011

Date

MCEDV.

Maine Coalition to
End Domestic Violence

Help is just a call away.
24 Hour • Toll Free • Confidential

1-866-834-HELP
National TTY: 1-800-787-3224

Programs of the Maine Coalition to End Domestic Violence

Hope and Justice Project
Aroostook
Hope and Justice Project
formerly Battered Women's Project
www.hopeandjusticeproject.org
764 Main St., Presque Isle, ME 04769
Admin: 207-784-2977 Hotline: 1-800-439-2323

Womancare
Piscataquis
Womancare
www.womancare.org
P.O. Box 162, Dover-Foxcroft, ME 04426
Admin & Hotline: 207-584-8165
Hotline: 1-888-584-8165

Spruce Run
Penobscot
Spruce Run
www.sprucerun.net
P.O. Box 653, Bangor, ME 04402
Admin: 207-945-5102 Hotline: 1-800-883-9909

Family Violence Project
Kennebec & Somerset
Family Violence Project
www.familyviolenceproject.org
P.O. Box 304, Augusta, ME 04332
Admin: 207-623-8637 Hotline: 1-877-890-7788

The Next Step
Hancock
The Next Step
www.nextstepdvproject.org
P.O. Box 1468, Ellsworth, ME 04805
Admin: 207-667-0176 Hotline: 1-800-315-5579

SafeVoices
Washington
The Next Step
Admin: 207-255-4243 Hotline: 1-888-004-8692

SafeVoices
Androscoggin, Oxford & Franklin
SafeVoices
formerly Abused Women's Advocacy Project
www.safevoices.org
P.O. Box 713, Auburn, ME 04212
Admin: 207-795-6744 Hotline: 1-800-559-2927

New Hope for Women
Knox, Lincoln & Waldo
New Hope for Women
www.newhopeforwomen.org
P.O. Box A, Rockland, ME 04841-0733
Admin: 207-594-2128 Hotline: 1-800-522-3304

Family Crisis Center
Cumberland & Sagadahoc
Family Crisis Services
www.familycrisis.org
P.O. Box 704, Portland, ME 04104
Admin: 207-767-4952 Hotline: 1-800-537-6066

Caring Unlimited
York
Caring Unlimited
www.caring-unlimited.org
P.O. Box 680, Sanford, ME 04073
Admin: 207-490-3227 Hotline: 1-800-239-7208

Wabanaki Tribes of Maine Domestic Violence and Sexual Assault Services

Aroostook Band of Micmac
www.micmac-nsn.gov
7 Northern Rd., Presque Isle, ME 04769
Admin: 207-764-1972 or 1-800-750-1972

Malliseet Domestic Violence &
Sexual Assault Program
www.malliseet.com
690 Foxcroft Rd., Houlton, ME 04730
Admin: 207-532-3000 Hotline: 207-532-6401

Passamaquoddy Peaceful Relations
www.wabanaki.com
P.O. Box 343, Perry, ME 04667
Admin: 207-853-2600 Hotline: 1-877-853-2613

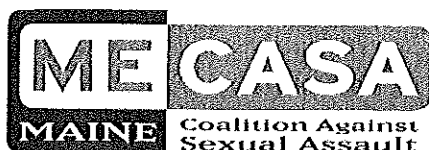
Penobscot Indian Nation Domestic Violence &
Sexual Assault Services Program
www.penobscotnation.org
12 Wabanaki Way, Indian Island, ME 04468
Admin: 207-817-7469 Hotline: 207-631-4868

Culturally Specific Organizations Providing Domestic Violence Services

United Somali Women of Maine
www.uswofmaine.org
207-763-0061

Sudanese Development Institute of Maine
207-870-2281

Tengo Voz
207-553-2252



Executive Director: Elizabeth Ward Saxl

PHONE: 207-626-0034 INFO@MECASA.ORG WWW.MECASA.ORG

MECASA MEMBER CENTERS

Sexual Assault Crisis and Support Center
Kennebec, Knox, Somerset & Waldo Counties
Executive Director: Donna Strickler
Admin: 207-377-1010
www.silentnomore.org

Rape Response Services
Penobscot & Piscataquis Counties
Executive Director: Tamar Mathieu
Admin: 207-973-3651
www.rrsonline.org

Sexual Assault Support Services of Midcoast Maine
Eastern Cumberland, Sagadahoc & Lincoln Counties
Executive Director: Sue Hall Dreher
Admin: 207-725-2181
www.sassmm.org

AMHC Sexual Assault Services
Aroostook County
Director of Outpatient Operations
& Emergency Services: Lorraine Chamberlain
Admin: 207-498-6431
www.amhc.org

Downeast Sexual Assault Services
Hancock & Washington Counties
Program Director: Lois Gordon
Admin: 800-492-5550
www.downeasthealth.org

Sexual Assault Victims Emergency Services
Franklin County
Executive Director: Judy Rawlings
Admin: 207-778-9522
www.savesrapecrisis.org

Sexual Assault Crisis Center
Androscoggin County
Executive Director: Marty McIntyre
Admin: 207-784-5272
www.sexualassaultcrisiscenter.org

Sexual Assault Response Services of Southern Maine
Cumberland & York Counties
Executive Director: Cyndi Amato
Admin: 207-828-1035
www.sarsonline.org

Rape Education and Crisis Hotline
Oxford County
Executive Director: Debbie Dembski
Admin: 207-743-9777
www.reachmaine.org

OTHER SEXUAL VIOLENCE RESOURCES

Maliseet Domestic Violence and Sexual Assault Program, Houlton
207-532-3000

Penobscot Nation Domestic Violence and Sexual Assault Services, Indian Island
207-817-7469

Passamaquoddy Peaceful Relations, Perry
207-853-2600 ext. 266

United Somali Women of Maine
207-753-0061

24-HOUR CONFIDENTIAL STATEWIDE SEXUAL ASSAULT CRISIS AND SUPPORT LINE:

1-800-871-7741 or TTY: 1-888-458-5599

CERTIFIED BATTERER INTERVENTION PROGRAMS IN MAINE

County	Program	Address
ANDROSCOGGIN, FRANKLIN and OXFORD	Alternatives to Abuse (AWAP)	P.O. Box 713 Auburn ME 04212 Tel. (207)795-6744 x21 Tuesday
AROOSTOOK	Northern New England Community Resource Centre	PO Box 164 Houlton ME 04730 (207)694-3066
CUMBERLAND	A Different Choice	175 Lancaster Street – Suite 305 Portland ME 04101 Maine Pretrial Service (207)774- 1501 Pager 818-4960
CUMBERLAND and SAGadahoc	Choices - The Men's Group	14 Maine St. Brunswick ME 04011 Tel. (207) 442-0181
CUMBERLAND	Opportunity for Change	Suite 140 222 St. John Street, Portland ME 04102 Tel. (207)774-4603
HANCOCK and PENOBSCOT	Choice V	185 Harlow Street Bangor ME 04402 (207)852-9612 59 Franklin St. #8 Ellsworth ME (207)667-2730
KENNEBEC and SOMERSET	Menswork	4 Wabon Street, Augusta ME 04330 Tel. (207) 623-7252
KNOX LINCOLN and WALDO	Time for Change	P.O. Box A Rockland ME 04841-1465 Tel. (207)594-0270 Fax (207)594-0811
PENOBSCOT	Batterers' Intervention Program	One Cumberland Place Bangor ME 04402 (800)640-1211 x9801 (207)973-6199
PISCATAQUIS	DV Classes for Men Charlotte White Counseling Center	572 Bangor Rd. Dover-Foxcroft ME 04426 1-888-564-2499 Annex-207-564-7106
WASHINGTON	Domestic Abuse Education Program	Prescott Dr. Machias ME (207)255-6682
YORK	Violence No More	26 South Street Biddeford ME 04005 Tel. (207)283-8574